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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,000

Applicant(s)

Parent

Examiner

Aken, G

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/17/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
 - ☐ received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-9,13,16-20 are rejected under 35 USC 103(a) as unpatentable over Prabhakaran(US Pat. No: 5,922,040) in view of Becker-"Analysis and Modelling of a Fleet Managment System of an Airport Shuttle Service-9/99"(hereinafter called "Becker") and further in view of Linde,AG/Fleet Managment(hereinafter called "Linde").
4. As per claim 5 Prabhakaran teaches according to the system of claim 3. Prabhakaran fails to teach further including a second database that includes data associated with assets available for purchase, or rental and lease, wherein said simulated fleet configuration unit is further configured to allow the user to add one or more assets from said second database to said simulated fleet.Linde teaches this(p. 7). Prabhakaran does not teach specifically simulation of fleet managment assets. Becker teaches simulation of fleet management assets with use of Petri Nets(Section 4.2)(page 7)(pages 9-11).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The

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motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker (page 9). Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde (page 7).

5. As per claim 6 Prabhakaran teaches the system according to claim 5. Prabhakaran fails to teach further including a third database that includes data associated with a plurality of pre-configured assets, each preconfigured asset comprising a parameter having a composite value derived from corresponding parameter values associated with a plurality of specific assets of a similar type, said simulated fleet configuration unit being further configured to allow the user to add one or more assets based on type from said third database to said simulated fleet. Becker teaches this (pages 9-11). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker (page 9). Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde (page 7).

6. As per claim 7 Prabhakaran teaches according to the system of claim 6. Prabhakaran fails to teach further including a second database that includes data associated with assets available for

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purchase, or rental and lease, wherein said simulated fleet configuration unit is further configured to allow the user to add one or more assets from said second database to said simulated fleet. Linde teaches this (p. 7). Prabhakaran does not teach specifically user-defined assets. Linde teaches user defined assets for purchase (page 1) (Fleet Management/Spare Parts/Products). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker (page 9). Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde (page 7).

7. As per claim 8 Prabhakaran teaches the system of according to claim 3. Prabhakaran fails to teach wherein said assets comprise industrial equipment. Linde teaches this (page 1). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach part of the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker (page 9). Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets applied to industrial products taught by Linde (page 1).

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8. As per claim 9 Prabhakaran teaches the system according to claim 8. Prabhakaran fails to teach wherein said assets comprise forklifts. Linde teaches this (p. 7). 5. As per claim 5 Prabhakaran teaches according to the system of claim 3. Prabhakaran fails to teach further including a second database that includes data associated with assets available for purchase, or rental and lease, wherein said simulated fleet configuration unit is further configured to allow the user to add one or more assets from said second database to said simulated fleet. Linde teaches this (p. 7). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach part of the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker (page 9). Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets which include forklifts as taught by Linde (page 7).

9. As per claim 13 Prabhakaran teaches according to the system of claim 7. Prabhakaran fails to teach wherein said reporting and analyzing module is configured to generate a second report having a composite output that is associated with the existing fleet and allow the user to compare the first and second reports to evaluate the existing and the simulated fleet. Becker teaches this (pp 4-7 and 9-11). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as

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enunciated by Becker(page 9).Furthermore, it also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above.

The motivation to combine is to teach fleet assets available for purchase as taught by Linde(page 7).

10. As per claim 16 Prabhakaran teaches a method of performing a fleet management system.Prabhakaran teaches a communications intrerface configured to provide remote electronic access(col 4 line 10). Prabhakran fails to teach modeling a simulated fleet comprising the steps of providing a fleet database including data associated with an existing fleet comprising a plurality of specific pieces of industrial equipment.Linde teaches this(pages 1-3) and providing a market database including data associated with a plurality of specific pieces of industrial equipment that are available for one of purchase, rental and lease(pages 1,7) and providing a pre-configured asset database that includes data associated with a plurality of modeled pieces of industrial equipment based on type(page 1,3,7) and selecting a first piece of industrial equipment for inclusion in said simulated fleet from the existing fleet based on data in-the fleet database and further selecting a second piece of equipment based on data from one of the market database where the pre-configured asset database and user-defined pieces of industrial equipment, each piece of industrial equipment having a parameter of interest associated therewith(pages 1-7). Linde fails to teach simulation. Becker teaches simulation(pages 4-7 and 9-11) and generating a report having a composite output value as a function of respective parameter values associated with the first and second pieces of equipment(page 11).It would have been obvious to one skilled in the art at the

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time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach the use of industrial equipment in a fleet for utilization as taught by Linde(page 7).

11. As per claim 17 Prabhakaran teaches according to the system of claim 16. Prabhakaran fails to teach further including a pre-configured asset database that includes data associated with a plurality of modeled pieces. Becker teaches this(pages 9-11). It would have been obviopus to one skilled in the art at the time of the inventionto combine Prabhakaran in view of Becker to teach part of the above. The motivation to comnbine is to teach a configured asset database that includes a plurality of modelled pieces as enuciated by Becker(page 11). Prabakaran fails to teach industrial equipment based on type. Linde teaches industrial equipment based on type(pages 1,7). It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach a variety of industrial fleet assets available as taught by Linde(page 7).

12. As per claim 18 Prabhakaran teaches according to the system of claim 17. Prabhakaran fails to teach wherein said reporting and analyzing module is configured to generate a second reporthaving a composite output that is associated with the existing fleet and allow the user to compare the first and second reports to evaluate the existing and the simulated fleet. Becker

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teaches this(pp 4-7 and 9-11). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).Prabahakaran fails to teach industrial equipment based on type. Linde teaches industrial equipment based on type(pages 1,7). It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach a variety of industrial fleet assets available as taught by Linde(page 7).

13. As per claim 19 Prabhakaran teaches method of performing a fleet managment system including providing providing communication to a user(col 4 line 10). Prabhakran fails to teach modeling a simulated fleet comprising the steps of providing a fleet database including data associated with an existing fleet comprising a plurality of specific pieces of industrial equipment.Linde teaches this(pages 1-3) and providing a market database including data associated with a plurality of specific pieces of industrial equipment that are available for one of purchase, rental and lease(pages 1,7) and providing a pre-configured asset database that includes data associated with a plurality of modeled pieces of industrial equipment based on type(page 1,3,7) and selecting a first piece of industrial equipment for inclusion in said simulated fleet from the existing fleet based on data in-the fleet database and further selecting a second piece of equipment based on data from one of the market database where the pre-configured asset database and user-defined pieces of industrial equipment, each piece of industrial equipment

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having a parameter of interest associated therewith(pages 1-7). Linde fails to teach simulation. Becker teaches simulation(pages 4-7 and 9-11) and generating a report having a composite output value as a function of respective parameter values associated with the first and second pieces of equipment(page 11).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach the use of industrial equipment in a fleet for utilization as taught by Linde(page 7).

14. As per claim 20 Prabhakaran teaches according to the system of claim 19. Prabhakaran fails to teach wherein said reporting and analyzing module is configured to generate a second report having a composite output that is associated with the existing fleet and allow the user to compare the first and second reports to evaluate the existing and the simulated fleet. Becker teaches this(pp 4-7 and 9-11). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).Prabahakaran fails to teach industrial equipment based on type. Linde teaches industrial equipment based on type(pages 1,7). It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to

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teach the above. The motivation to combine is to teach a variety of industrial fleet assets available as taught by Linde(page 7).

15. Claims 1-4,14-15 are rejected under 35 USC 103(a) as unpatentable over Prabhakaran(US Pat. No: 5,922,040) in view of Becker(9/99).

16. As per claim 1 Prabhakaran teaches an electronic system for modeling a simulated fleet comprising a simulated fleet configuration unit configured to allow a user to add one or more assets to said simulated fleet, each asset having a parameter associated therewith; a reporting and analysis module configured to generate a report. having a composite output that corresponds to said parameter and is characteristic of all of said assets in said simulated fleet; and a communications interface configured to facilitate electronic remote access of said system by the user(Abstract)(col 2 line 25-col 3 line 10).Prabhakaran does not teach specifically simulation of fleet managment assets. Becker teaches simulation of fleet management assets with use of Petri Nets(Section 4.2)(page 7)(pages 9-11).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).

17. As per claim 2 Prabhakaran teaches the system of claim 1 wherein said simulated fleet configuration unit comprises one of a fleet builder module, including a step-by-step asset entry system; a fleet search module including a first add-to-fleet feature; a simulated fleet module

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including an add-asset feature, and a market search module including a second add-to-fleet feature(Fig 7/1501)(Fig 6/1501).

18. As per claim 3 Becker teaches the system of claim 1 wherein said simulated fleet configuration unit is further configured to store data associated with said assets of said simulated fleet in a first database,said first database further including data associated with assets in an existing fleet, said simulated fleet configuration unit being further configured to allow the user to add assets from said existing fleet to said simulated fleet(Fig 4).Prabhakaran does not teach specifically simulation of fleet managment assets. Becker teaches simulation of fleet management assets with use of Petri Nets(Section 4.2)(page 7)(pages 9-11).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a feet manamgmt systme which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).

19. As per claim 4 Prabhakaran teaches the system of claim 3 wherein said simulated fleet configuration unit is configured to execute on an application server(col 33 line 23-col 35 line 67)(Fig 12)(Fig 13).

20. As per claim 14 Prabhakaran teaches the system of claim 3 wherein said reporting and analyzing module is configured to execute on an application server(col 40 lines 3-13).

21. As per claim 15 Prabhakaran teaches the system of claim 3 wherein said communications interface comprises an Hyper-Text Transfer Protocol (HTTP) compliant web server(col 4 line

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10). Prabhakaran fails to teach further comprising a fleet database including data associated with an existing fleet comprising a plurality of specific pieces of industrial equipment; a market database including data associated with a plurality of specific pieces of industrial equipment that are available for one of purchase, rental or lease. Linde teaches this(page 1,7). Becker teaches a simulated fleet configuration unit configured to allow a user to add a first piece of industrial equipment to said simulated fleet from said existing fleet based on data in said fleet database where said simulated fleet configuration unit being further configured to allow said user to add a second piece of industrial equipment based on data from one of said market database, and user-defined industrial equipment where each piece of industrial equipment having a parameter associated therewith and a reporting and analysis module configured to generate a report having a composite output corresponding to said parameter that is characteristic of all pieces of industrial equipment in said simulated fleet and a communications interface configured to facilitate electronic remote access by said user(pages 4-7 and 9-11).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde(page 7).

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22. Claims 10-12, 21 are rejected under 35 USC 103(a) as unpatentable over Prabhakaran(US Pat. No: 5,922,040) in view of Becker in view of Linde and further in view of GE-Fleet.

23. As per claim 10 Prabhakaran teaches according to the system of claim 9. Prabhakaran fails to teach wherein said parameter includes at least one of a total maintenance cost, an hourly maintenance cost, a total lease cost, a total operating cost, a total hourly operating cost, and a utilization rating. GE Capital Fleet services("GE-Fleet") teaches this (page 3). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9). It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde(page 7). Finally, it would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker in view of Linde and further in view of GE-Fleet to teach all the above(page 3). The motivation to combine is to teach a fleet management system that delineates total lease cost for a fleet.

24. As per claim 11 Prabhakaran teaches according to the system of claim 10. Prabhakaran fails to teach wherein said parameter includes at least one of a total maintenance cost, an hourly maintenance cost, a total lease cost, a total operating cost, a total hourly operating cost, and a utilization rating. GE Capital Fleet services("GE-Fleet") teaches this (page 3). It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of

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Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach fleet assets available for purchase as taught by Linde(page 7).Finally, it would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker in view of Linde and further in view of GE-Fleet to teach all the above(page 3). The motivation to combine is to teach a fleet management system that delineates total lease cost for a fleet utilizing summation.

25. As per claim 12 Prabhakaran teaches according to the system of claim 10. Prabhakaran fails to teach wherein said parameter includes at least one of a total maintenance cost, an hourly maintenance cost, a total hourly operating cost, and a utilization rating.GE Capital Fleet services(“GE-Fleet”) teaches this (page 3).It would have been obvious to one skilled in the art at the time of the invention to combine Prabhakaran in view of Becker to teach the above. The motivation to combine is to teach a fleet management system which utilizes simulation to deal with suboptimal configurations as enunciated by Becker(page 9).It also would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker and further in view of Linde to teach the above. The motivation to combine is to teach the cost of operating fleet assets available for purchase as taught by Linde(page 7).Finally, it would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker in view of Linde and further in view of GE-Fleet to

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teach all the above. The motivation to combine is to teach a fleet management system that delineates operating cost for a fleet as taught by GE-Fleet(page 4).

26. As per claim 21 Prabhakaran teaches the method of according to claim 20. Prabhakaran fails to teach wherein the parameter comprises a financial figure. GE-Fleet teaches this(p 3-4). It would have been obvious to one skilled in the art to combine Prabhakaran in view of Becker in view of Linde and further in view of GE-Fleet. The motivation to combine is to teach a financial figure of merit to assess the efficiency of a fleet management system as taught by GE-Fleet(page 4).

Conclusion

27. **THIS ACTION IS MADE NON-FINAL.**

28. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-872-9326 or 9327. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA



5/20/02